

TESTIMONY
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In Support of Senate Bills 794 and 795
Senate Judiciary Committee
Michigan Legislature

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Chairman Kuipers and distinguished members of the Committee, my name is Brandy Nannini and I am the Vice President of Government Relations for The Century Council. Thank you for allowing me to testify in support of S.B. 794 and 795. We believe this legislation will help to reduce hardcore drunk driving in Michigan.

The Century Council was founded in 1991 and is an independent, national not-for-profit organization headquartered in Arlington, Virginia. Funded by America's leading distillers (Bacardi U.S.A., Inc.; Beam Global Spirits and Wine, Inc.; Brown-Forman; Constellation Brands, Inc.; DIAGEO; Hood River Distillers, Inc.; Pernod Ricard USA; and Sidney Frank Importing Co., Inc.), the Council is dedicated to developing and implementing programs that fight drunk driving and underage drinking. To date, we have hosted more than 2,000 community events to launch our programs across the nation bringing them to millions of parents, youth, educators, law enforcement officials and traffic safety professionals.

An independent Advisory Board comprised of distinguished leaders in business, government, education, medicine and other relevant disciplines assists the Council in its development of programs and policies. Additionally, the Council maintains advisory panels in the areas of education and traffic safety that provide related guidance.

Reducing Hardcore Drunk Driving

Responding to a growing body of research that points to repeat offenders and hardcore drunk drivers as the source of a large and disproportionate share of highway crashes, in 1997 the Council created The National Hardcore Drunk Driver Project. The Project serves as a single, comprehensive resource to assist state legislators as well as highway safety officials, law enforcement officers, judges, prosecutors, community activists and treatment professionals in developing programs to reduce hardcore drunk driving.

The Century Council, along with the National Transportation Safety Board, AAA and the National District Attorneys Association, comprise the Coalition to Fight Hardcore Drunk Driving that supports state legislative proposals to enact comprehensive and effective solutions to the hardcore drunk driving problem. We are very pleased to offer our support and assistance to you in your efforts.

Additionally, The Century Council is working to educate the judicial branch on hardcore drunk driving. DWI cases are among the most complex cases to adjudicate. *The Hardcore Drunk Driving Judicial Guide*, our partnership with the National Association of State Judicial Educators and the National Judicial College, provides a resource for judges and judicial educators with strategies and tactics to identify and sentence hardcore drunk drivers. We were pleased to bring the program to Michigan's judges in 2006 and have trained approximately 4,000 judges in more than 30 states. The Century Council has also now published *The Hardcore Drunk Driving Prosecutorial Guide*, which serves to assist prosecutors in the creation and implementation of a multi-disciplinary team approach to the disposition of hardcore drunk driving offenses. We are currently expanding this project to assist our nation's probation and parole officials with training on hardcore drunk driving.

Impact of Hardcore Drunk Drivers

Hardcore drunk drivers are those who drive with a high blood alcohol concentration (BAC) of .15 or above, who do so repeatedly, as demonstrated by having more than one drunk driving arrest, and who are highly resistant to changing their behavior despite previous sanctions, treatment or education efforts. They are overrepresented in alcohol-impaired traffic fatalities. In fact, in Michigan, 64% of drivers involved in fatal drunk driving crashes had a prior DWI conviction and BAC of .15 or higher according to 2008 fatal crash data from the National Highway Traffic Safety Administration.

Based on our research, we believe that strong laws enabling swift identification, certain punishment and effective treatment are critical fundamental elements necessary to reduce the incidence of hardcore drunk driving. Further, we believe that these elements must be coordinated into a statewide system to be effective in this fight.

The Century Council also supports the usage of ignition interlocks for DWI offenders. We support mandatory installation for hardcore drunk drivers and judicial discretion for first-time offenders with BAC levels below .15. However, our extensive work with the judiciary has revealed that many offenders who are required to install an interlock simply do not do so. In fact, according to a 2008 report by Richard Roth, Ph.D., of the approximately 1.4 million drunk driving offenders arrested and convicted each year, only 10% of convicted DWI drivers ordered to install an interlock device on their vehicle have done so. This scenario occurs due to inadequate compliance monitoring and poorly-administered interlock programs.

The Century Council strongly supports Michigan's legislative package offering DWI courts the opportunity to participate in a three-year DWI/Sobriety Court Interlock Pilot Project for repeat offenders. S.B. 794 creates the project and provides for its operation, including annual reporting procedures regarding program participant compliance. S.B. 795 provides that the Secretary of State shall issue a restricted license to these repeat offenders after a 45-day hard revocation and upon a pilot project judge certifying that they have been admitted into a DWI/Sobriety Court and have installed an interlock.

DWI Courts enhance enforcement by improving the process from post-DWI arrest to post-conviction and post-probation. We have already seen promising results: In a Michigan study of three DWI courts, DWI court offenders were 19 times less likely to be re-arrested than a DWI offender in a traditional court. The Century Council strongly supports DWI courts where hardcore drunk driving

offenders are held at the highest level of accountability while receiving long-term, intensive treatment and compliance monitoring.

Conclusion

While Michigan has made significant progress in the fight against drunk driving, laws designed to provide a comprehensive system should be a legislative priority. The Century Council thanks you for your leadership in this effort and stands ready to assist you in this important endeavor, which will ultimately save lives in Michigan. Please visit our website for more information on hardcore drunk driving at www.centurycouncil.org. Thank you.